

FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
1301 MCKINNEY, SUITE 5100
HOUSTON, TEXAS 77010-3095
WWW.FULBRIGHT.COM

FACSIMILE TRANSMISSION**DATE:** July 31, 2002**MATTER NUMBER:** 10207889

RECIPIENT(s):	FAX No.:	PHONE No.:
Retta Williams - Office of Petitions U.S. Patent and Trademark Office	(703) 308-6916	(703) 306-5594

FAX RECEIVED**JUL 31 2002****PETITIONS OFFICE****FROM:** Libby Hart**USER ID:** EH10691 **FLOOR:** 3809**PHONE:** (713) 651-5698**FAX:** (713) 651-5246**RE:** Serial No. 09/919025
Filed: July 31, 2001
Walsdorf et al.**NUMBER OF PAGES WITH COVER PAGE:** 4**Message:****CAUTION - CONFIDENTIAL**

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
_____ **AT** _____ **AS SOON AS POSSIBLE.**

RE: Application No 09/919025

Filed: July 31, 2001

FAX RECEIVED

JUL 31 2002

PETITIONS OFFICE

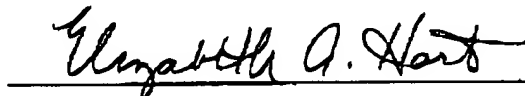
Pursuant to our telephone conversation this morning regarding entity status in the above-identified matter, I enclose a copy of the utility patent application transmittal on which small entity status is claimed. Ms. Williams indicated that the PTO system has the application as a large entity. This is in error. Due to the time-sensitive nature of this matter, also enclosed is a copy of the verified statement under 37 CFR 1.9(f) and 1.27 (c), executed by an officer of assignee stating that assignee is a small business concern. This document was executed about the time of filing the instant application. Applicants assert that the entity status of assignee has not changed and, thus, remains a small entity. Applicants respectfully request correction of this error. Lastly, applicants would like to thank Ms. Williams for her diligent efforts in this matter.

Elizabeth A. Hart (713) 651-5698

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the attached copy of the Verified Statement (Declaration) Claiming Small Entity Status (37-CFR 1.9(f) and 1.27 (c)) - Small Business Concern (executed by Assignee on July 16, 2001) is being facsimile transmitted to the Patent and Trademark Office on the date shown below for filing in Application Serial No. 09/919025, filed July 31, 2001, entitled Calcium Glutarate Supplement and Phosphorus Binder, by Neill B. Walsdorf, Sr. et al.

ELIZABETH A. HART, Reg. No. 50,931



Date: July 31, 2002

FAX RECEIVED

JUL 31 2002

PETITIONS OFFICE

Please type a plus sign (+) inside this box →

+

PTO/SB/05

UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	062682.0643
	First Named Inventor or Application identifier	Neill B. Walsdorf, Sr.
ADDRESS TO: Assistant Commissioner of Patents Box Patent Application Washington, DC 20231	Title	CALCIUM GLUTARATE SUPPLEMENT AND PHOSPHORUS BINDER
	Express Mail No.	EL 869617117

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

1. ☒ Fee Transmittal Form PTO/SB/17 (submit in duplicate)
2. ☒ Specification [Total Pages: 23]
3. ☐ Drawing(s) (35 USC 113) [Total Sheets:]
4. ☒ Oath or Declaration [Total Pages: 1]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with No. 17 completed)
[Note No. 5 below]
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting
inventor(s) named in the prior application, see
37 CFR 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (useable if No. 4b is
checked)
The entire disclosure of the prior application, from which a copy of
the oath or declaration is supplied under No. 4b, is considered as
being part of the disclosure of the accompanying application and is
hereby incorporated by reference therein.
6. ☐ Microfiche Computer Program (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Copy
 - b. ☐ Paper Copy (identical to computer copy)
 - c. ☐ Statement verifying identity of above
copies

ACCOMPANYING APPLICATION PARTS

8. ☒ Assignment Papers (cover sheet & document(s))
9. ☒ Power of Attorney
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure
Statement (IDS)/PTO-1449
___ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (Itemized)
14. ☒ Small Entity Status is claimed.
___ Statement filed in prior application. Status still
proper and desired
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Other: _____

17. If a CONTINUING APPLICATION, check appropriate blank and supply the requisite information:

- ☐ Continuation
☐ Divisional
☐ Continuation-in-part (CIP)

of prior application No.: _____

18. Correspondence Address					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label			OR 26262 (Insert Customer Number or Bar Code Label here)		
			___ Correspondence address below		
Name	Attn: Charles W. Hanor AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.				
Address	P.O. Box 12870				
City	San Antonio	State	Texas	Zip Code	78312
Country	U.S.A.	Telephone	(210) 281-7000	Fax	(210) 224-2035

Date:

7/31/01

Charles W. Hanor, Reg. No. 27,132

EL869617117US